

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,) CASE NO. MJ 11-227
v.)
MARCELO CUENCA-LEON,) DETENTION ORDER
Defendant.)
_____)

Offense charged: Possession of Heroin with the Intent to Distribute (2 counts)

Date of Detention Hearing: May 26, 2011.

16 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
17 based upon the factual findings and statement of reasons for detention hereafter set forth, finds
18 that no condition or combination of conditions which defendant can meet will reasonably
19 assure the appearance of defendant as required and the safety of other persons and the
20 community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

1. Defendant is reportedly a citizen of Mexico.

01 2. The United States alleges that his presence in this country is illegal. There is an
02 immigration detainer pending against him. The issue of detention in this case is therefore
03 essentially moot, as the defendant would be released to immigration custody if not detained in
04 this case.

05 3. Defendant and his counsel offer no opposition to entry of an order of detention.

06 4. Upon advice of counsel, defendant declined to be interviewed by Pretrial
07 Services. Therefore, there is limited information available about him.

08 5. There does not appear to be any condition or combination of conditions that will
09 reasonably assure the defendant's appearance at future Court hearings while addressing the
10 danger to other persons or the community.

11 It is therefore ORDERED:

- 12 1. Defendant shall be detained pending trial and committed to the custody of the Attorney
13 General for confinement in a correction facility separate, to the extent practicable, from
14 persons awaiting or serving sentences or being held in custody pending appeal;
- 15 2. Defendant shall be afforded reasonable opportunity for private consultation with
16 counsel;
- 17 3. On order of the United States or on request of an attorney for the Government, the
18 person in charge of the corrections facility in which defendant is confined shall deliver
19 the defendant to a United States Marshal for the purpose of an appearance in connection
20 with a court proceeding; and
- 21 4. The Clerk shall direct copies of this Order to counsel for the United States, to counsel
22 for the defendant, to the United States Marshal, and to the United State Pretrial Services

Officer.

DATED this 26th day of May, 2011.

Maeve Gleeson

Mary Alice Theiler
United States Magistrate Judge